

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

KATHRYN BAUMAN RUBENSTEIN,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 1:07cv798-MHT
)	
BETTY JO BAUMAN, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER ON MOTION

Pending before the Court are three Motions for Joinder (Docs. #167, 168 & 169), in which several Defendants seek to join the Supplemental Motion for Sanctions and Imposing of Filing Restrictions (Doc. #163) filed by Defendants Marilyn Bauman Granger, Bennie Wayne Granger, Granger Limited, Inc., Barbara Bauman Kamensky, and Allen E. Kamensky.

Rule 11(c)(2) of the Federal Rules of Civil Procedure requires a motion for sanctions to be filed separate and apart from other motions or request. Further, the moving party must serve the opposing party with the motion prior to filing the motion with the Court, and allow the opposing party twenty one days in which to withdraw their complaint. See Fed. R. Civ. P. 11(c)(2); See *Donaldson v. Clark*, 819 F.2d 1551 (11th Cir. 1987) (stating that a party should be given early notice of possible Rule 11 sanctions, and given an opportunity to respond). This is known as the “safe harbor” period. Only after the explicit requirements of Rule 11 are met, will the Court consider a motion for sanctions.

In this case, Plaintiff's claims have been dismissed and judgment has been entered. (Doc. #161). A moving party cannot avoid the requirements of Rule 11 simply by joining another Defendant's Rule 11 motion, after the Plaintiff's case has been dismissed. *See Holgate v. Baldwin*, 425 F.3d 671 (9th Cir. 2005) (finding that a party does not satisfy the safe harbor requirements of Rule 11 by joining another party's properly filed motion for sanctions). To allow joinder in this case, would eviscerate the safe harbor provisions of Rule 11. Therefore, it is

ORDERED that the Motions for Joinder (Docs. #167, 168 & 169) are DENIED for failure to comply with Rule 11. The Court will not entertain any further motions for sanctions or joinder in this matter.

DONE this 30th day of January, 2008.

/s/ Wallace Capel, Jr.
WALLACE CAPEL, JR.
UNITED STATES MAGISTRATE JUDGE